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6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**
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9 GONZALO ALONZO,

10 Petitioner,

11 v.

12 DAVE DAVEY, Warden,

13 Respondent.
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Case No. CV 14-2903 R (JCG)

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE AND
DENYING CERTIFICATE OF
APPEALABILITY**

16 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate
17 Judge's Report and Recommendation, and the remaining record, and has made a *de*
18 *novo* determination. No objections to the Report and Recommendation have been
19 filed.

20 Accordingly, IT IS ORDERED THAT:

- 21 1. The Report and Recommendation is approved and accepted;
22 2. Judgment be entered denying the Petition and dismissing this action
23 without prejudice; and
24 3. The Clerk serve copies of this Order on the parties.

25 Additionally, for the reasons set forth in the Report and Recommendation, the
26 Court finds that Petitioner has not made a substantial showing of the denial of a

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1 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
2 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of
3 appealability.

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6 DATED: December 2, 2014

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8 HON. MANUEL L. REAL
9 UNITED STATES DISTRICT JUDGE
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